

ORDINANCE NO. 971204-G

AN ORDINANCE ANNEXING, FOR FULL PURPOSES, ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN, CONSISTING OF APPROXIMATELY 402 ACRES OF LAND OUT OF THE S.A. & M.G. RAILROAD CO. SURVEY NO. 801, THE JAMES C. IRVINE SURVEY NO. 122, LOCATED IN TRAVIS AND WILLIAMSON COUNTIES, TEXAS; AND ANNEXING, FOR FULL PURPOSES, TERRITORY WITHIN THE LIMITED PURPOSE BOUNDARY LIMITS OF THE CITY LIMITS OF THE CITY OF AUSTIN, CONSISTING OF APPROXIMATELY 54 ACRES OF LAND OUT OF THE S.A. & M.G. RAILROAD CO. SURVEY NO. 801, THE JAMES C. IRVINE SURVEY NO. 122 IN THE CITY OF AUSTIN, LOCATED IN TRAVIS COUNTY, TEXAS; AND APPROVING A SERVICE PLAN FOR THE ANNEXED TERRITORY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FINDINGS.

The Council finds that:

- (A) Notice of two public hearings concerning annexation of the territory referred to as the Balcones Village area described in Exhibits A-1 and A-2 was published in a newspaper of general circulation in the City of Austin and in the area to be annexed.
- (B) The public hearings were held on October 16, 1997 at 7:00 p.m. in Council Chambers and on October 22, 1997 at 6:30 p.m. at Balcones Country Club, which is located in the area to be annexed.
- (C) The public hearings were concluded after providing an opportunity for all persons present to be heard with respect to the proposed annexation. A proposed Service Plan for this area was made available and explained at the public hearing.

- (D) The annexation, for full purposes of the territory described in Exhibits A-1 and A-2 serves the interests of the current and future residents of the City of Austin.
- (E) The revised Service Plan, as amended through negotiation, is attached to this ordinance as Exhibit B, and the number and level of services of municipal services provided in the Service Plan meets or exceeds all State law requirements.
- (F) All procedural requirements imposed by state law for the annexation of the territory described in Exhibits A-1 and A-2 have been met.

PART 2. Boundary Adjustments.

- (A) The present boundary limits of the City are amended to include the following territory which is within the extraterritorial jurisdiction and adjacent to the city limits of the City of Austin in Travis and Williamson Counties, Texas, and which is annexed into the City for full purposes:

402 acres of land, more or less, same being out of and a part of the S.A. & M.G. Railroad Co. Survey No. 801 and the James C. Irvine Survey No. 122 in Travis County, Texas, which 402 acres of land, more or less, are more particularly described in Exhibit A-1 attached to this ordinance; and

- (B) The present boundary limits of the City are amended to include the following territory which is within the limited purpose boundary limits of the City of Austin in Travis County, Texas, and which is annexed into the City for full purposes:

54 acres of land, more or less, same being out of and a part of the S.A. & M.G. Railroad Co. Survey No. 801, and the James C. Irvine Survey No. 122 in the City of Austin, Travis County, Texas, which 54 acres of land, more or less, are more particularly described in Exhibit A-2 attached to this ordinance.

PART 3. The Service Plan attached as Exhibit B is approved as the Service Plan for the annexed area.

PART 4. The City Council directs the City Manager to negotiate with Technology Hydraulics, Inc. to find ways to reduce the monthly wastewater costs of its customers.

PART 5. The City Council declares that its purpose is to annex to the City of Austin every part of the area described in Exhibits A-1 and A-2 as provided in this ordinance, regardless of whether any other part of the described area is effectively annexed to the City. If this ordinance is held invalid as to any part of the area annexed to the City of Austin, that invalidity does not affect the effectiveness of this ordinance as to all of the remainder of the area.

If any area or lands included within the description of the area set out in Exhibits A-1 and A-2 are: (1) presently part of and included within the general limits of the City of Austin, (2) presently part of and included within the limits of any other city, town, or village, or (3) are not within the jurisdiction or power of the City of Austin to annex, then that area is excluded and excepted from the area annexed as fully as if the excluded and excepted area were expressly described in Exhibits A-1 and A-2.

PART 6. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 7. This ordinance takes effect on December 31, 1997.

PASSED AND APPROVED

December 4, 1997.

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§
§

Kirk Watson

Kirk Watson
Mayor

APPROVED:

Andrew Martin

Andrew Martin
City Attorney

ATTEST:

James E. Aldridge

James E. Aldridge
City Clerk

EXHIBIT A-1

271204-5

C7a-97-008

Area to be Annexed
(402 acres of land
out of the S.A. &
M.G. Railroad Co.
Survey No.801, the
James C. Irvine
Survey No.122 in
Travis and
Williamson Counties,
Texas)
(Davis Acres ,Bright
Star Estates
Balcones Village
Sections 3, Ph.C, 4
thru 10, Balcones
Village Commercial
Sec. Three and
Unplatted Land)

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR 402 ACRES OF LAND,
MORE OR LESS, SAME BEING OUT OF AND A
PART OF THE S.A. & M.G. RAILROAD CO.
SURVEY NO.801 AND THE JAMES C. IRVINE
SURVEY NO.122 IN TRAVIS COUNTY, TEXAS,
WHICH 402 ACRES OF LAND, MORE OR LESS,
ARE TO BE TAKEN INTO AND MADE A PART OF
THE CITY OF AUSTIN, TRAVIS AND
WILLIAMSON COUNTIES, TEXAS, AND WHICH
402 ACRES OF LAND, MORE OR LESS, BEING
MORE PARTICULARLY DESCRIBED BY METES AND
BOUNDS AS FOLLOWS:

BEGINNING at a point in the present corporate limit
line of the City of Austin as adopted by an ordinance dated
June 3, 1976 (Case No.C7a-76-006), which line is the west
right of way line of Four Iron Drive, and which point of
beginning is the northeast corner Lemens-Spicewood Section
1, a subdivision of record in Book 90 at Page 21-23 of the
Plat Records of Travis County, Texas, same being a point in
the proposed corporate limit line of the City of Austin;

THENCE, with the proposed corporate limit line of the City of Austin, same being the north line of said Lemens-Spicewood Section 1, in a westerly direction to the northeast corner of Lot 43, Block A, the Bluffs Section Two at the Villages of Spicewood, a subdivision of record in Book 92 at Page 296 of the Plat Records of Travis County, Texas, same being a point in the south line of Lot 2, Block N, in Balcones Village Section Ten, a subdivision of record in Book 56 at Page 76 of the Plat Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, which line is the south line of said Block N, in Balcones Village Section Ten, in a westerly direction to the southwest corner of Lot 7, in said Block N;

THENCE, continuing with the proposed corporate limit line of the City of Austin, which line is the west and south lines of Block N and F, in said Balcones Village Section Ten, in a northerly and westerly direction to the southwest corner of Lot 36, in said Block F, same being the southeast corner of Lot 35, Block F, Balcones Village Section Eight, a subdivision of record in Book 53 at Page 84 of the Plat Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the south line of said Block F, Balcones Village Section Eight, in a westerly direction to the southwest corner of Lot 30, Block F, in said Balcones Village Section Eight, same being the southeast corner of Lot 29, Block F, Balcones Village Section Six, a subdivision of record in Book 50 at Page 2 of the Plat Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, which line is the south and west line of Block F and E, in said Balcones Village Section Six, in a westerly and northerly direction to the northwest corner of Lot 22, Block E, in said Balcones Village Section Six, same being the southwest corner of Lot 1, Block C, Balcones Village Section Seven, a subdivision of record in

Book 53 at Page 85 of the Plat Records of Travis County, Texas;

THENCE, continuing with the proposed corporate limit line of the City of Austin, same being the west line of said Balcones Village Section Seven, in a northerly direction to the northeast corner of Lot 13, Block C, Spicewood at Balcones Village, Section One, a subdivision of record in Book 61 at Page 77 of the Plat Records of Travis County, Texas, same being a point in the present limited purpose corporate limit line of the City of Austin as adopted by an ordinance dated November 15, 1984 (Case No.C7a-84-021);

THENCE, with the present limited purpose corporate limit line of the City of Austin as adopted by an ordinance dated November 15, 1984, (Case No.C7a-84-021), same being the west and north lines of said Balcones Village Section Seven, in a northerly and easterly directions to the northeast corner of Lot 23, Block H, in said Balcones Village Section Seven, same being the most northerly corner of Lot 18, Block H, Balcones Village Section Four, a subdivision of record in Book 47 at Page 371 of the Plat Records of Travis County, Texas;

THENCE, continuing with the present limited purpose corporate limit line of the City of Austin as adopted by an ordinance dated November 15, 1984 (Case No.C7a-84-021), which line is the north line of Block H, in said Balcones Village Section Four, in an easterly direction to the southeast corner of that certain 3.00 acre tract of land conveyed to Armando Frezza by warranty deed dated January 07, 1997, of record in Volume 12884 at Page 1588 of the Real Property Records of Travis County, Texas, same being a point in the present limited purpose corporate limit line of the City of Austin as adopted by an ordinance dated September 21, 1989 (Case No.C7ad-89-235)

THENCE, continuing with present limited purpose corporate limit line of the City of Austin as adopted by an ordinance dated September 21, 1989, (Case No.C7ad-89-235) which line is the east line of said Frezza tract of land, in a northerly direction to a point in the Williamson and Travis County line;

THENCE, continuing with the present limited purpose corporate limit line of the City of Austin as adopted by an ordinance dated November 15, 1984 (Case No.C7a-84-021), which line is the Travis and Williamson County line, in a westerly direction to a point in the south right-of-way line of Anderson Mill Road, which line is the proposed corporate limit line of the City of Austin;

THENCE, with the proposed corporate limit line of City of Austin, which line is the south right-of-way line of Anderson Mill Road, in an easterly direction to point in the present corporate limit line of the City of Austin as adopted an ordinance dated May 12, 1977, (Case No.C7a-77-003);

THENCE, with the present corporate limit line of the City of Austin as adopted by an ordinance dated May 12, 1977, (Case No.C7a-77-003), and other ordinances dated December 08, 1983, (Case No.C7a-81-014), and June 3, 1976 (Case No.C7a-76-006), in a southerly direction to the point of beginning.

LEGAL DESCRIPTION: Al Martinez APPROVED:

10-13-97

Michael T. Ritter 10/24/97

Michael T. Ritter, RPLS NO.3692
Engineering Support Section
Department of Public Works
and Transportation

REFERENCES

TCAD 1-6718

Austin Grid F&G 37

C7a-97-008

Area to be changed
from a Limited
Purpose Annexation
to a Full Purpose
Annexation
(54 acres of land
out of the S.A. &
M.G. Railroad Co.
Survey No.801, the
James C. Irvine
Survey No.122 in the
City of Austin
Travis County Texas)
(Balcones Greene
Subdivision Section
One and Unplatted
land)

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR 54 ACRES OF LAND,
MORE OR LESS, SAME BEING OUT OF AND A
PART THE S.A. & M.G. RAILROAD CO.
SURVEY NO.801, AND THE JAMES C. IRVINE
SURVEY NO.122 IN THE CITY OF AUSTIN,
TRAVIS COUNTY, TEXAS, WHICH 54 ACRES OF
LAND, MORE OR LESS, ARE TO BE CHANGED
FROM A LIMITED PURPOSE ANNEXATION TO A
FULL PURPOSE ANNEXATION, AND WHICH 54
ACRES OF LAND, MORE OR LESS, BEING MORE
PARTICULARLY DESCRIBED BY METES AND
BOUNDS AS FOLLOWS:

BEGINNING at the intersection of the present limited
purpose corporate limit line of the City of Austin as
adopted by an ordinance dated November 15, 1984, (Case
No.C7a-84-021), which line is the Travis and Williamson
County line, with the south right-of-way line Anderson Mill
Road;

THENCE, with the present limited purpose corporate limit line of the City of Austin as by an ordinance dated adopted November 15, 1984, (Case No.C7a-84-021), which line is the Travis and Williamson County line, in easterly direction to a point in the east line of that that certain 3.00 acre tract of land conveyed to Armando Frezza by warranty deed dated January 07, 1997, of record in Volume 12884 at Page 1588 of the Real Property Records of Travis County, Texas, which line is the present limited purpose corporate limit line of the City of Austin as adopted by an ordinance dated September 21, 1989 (Case No.C7ad-89-181);

THENCE, with the present limited purpose corporate limit line of the City of Austin as adopted by an ordinance dated September 21, 1989 (Case No.C7ad-89-181), which line is the east line of said Frezza tract of land, in a southerly direction to the most easterly corner of the herein described tract of land, same being a point in the north line of Block H, Balcones Village Section Four, a subdivision of record in Book 47 at Page 371 of the Plat Records of Travis County, Texas;

THENCE, continuing with the present limited purpose corporate limit line of the City of Austin as adopted by an ordinance dated November 15, 1984, (Case No.C7a-84-021), which line is the north line of said Balcones Village Section Four, in a westerly direction to the northeast corner of Lot 23, Block H, Balcones Village Section Seven, a subdivision of record in Book 53 at Page 85 of the Plat Records of Travis County, Texas;

THENCE, continuing with the present limited purpose corporate limit line of the City of Austin as adopted by an ordinance dated November 15, 1984, (Case No.C7a-84-021), same being the north and west lines of said Balcones Village Section Seven, in a westerly and southerly directions to the northeast corner of Lot 13, Block C, Spicewood at Balcones Village, Section One, a subdivision of record in Book 61 at Page 77 of the Plat Records of Travis County, Texas, for the southeast corner of the herein described tract of land, same being a point in the present limited purpose corporate limit line of the City of Austin as adopted by an ordinance dated September 21, 1989, (Case No. C7ad-89-181);

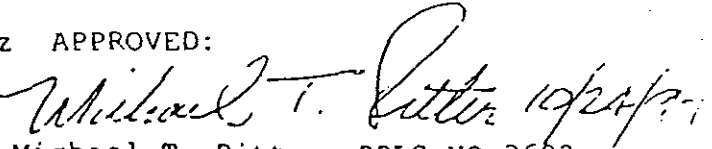
THENCE, continuing with the present limited purpose corporate limit line of the City of Austin as adopted by an ordinance dated September 21, 1989, (Case No.C7ad-89-181) same being the north line of said Block C, in said Spicewood at Balcones Village, Section One, in a westerly direction to the southeast corner of Lot 14, Block C, Spicewood at Balcones Village, Section Five, a subdivision of record in Book 65 at Page 74 of the Plat Records of Travis County, Texas, for the southwest corner of the herein described tract of land;

THENCE, continuing with the present limited purpose corporate limit line of the City of Austin as adopted by an ordinance dated September 21, 1989, (Case No.C7ad-89-181) same being the east line of said Spicewood at Balcones Village, Section Five, in a northerly direction to the northwest corner of the herein described tract of land, same being a point in south right-of-way line of Anderson Mill Road;

THENCE, continuing with the present limited purpose corporate limit line of the City of Austin as adopted by an ordinance dated November 15, 1984, (Case No. C7a-84-021), which line is the south right-of-way line of said Anderson Mill Road, in an easterly direction to the point of beginning.

LEGAL DESCRIPTION: Al Martinez APPROVED:

10-15-97



Michael T. Ritter, RPLS NO. 3692
Engineering Support Section
Department of Public Works
and Transportation

REFERENCES

TCAD 1-6718

Austin Grid F&G 37

alm

c7a9708b.fns



Balcones Village Annexation Area
C7a-97-008

971204-g



CITY OF AUSTIN

ANNEXATION SERVICE PLAN

Case Name: Balcones Village

Case Number: C7a-97-008

Date: December 4, 1997

INTRODUCTION

This Service Plan ("Plan") is made by the City of Austin, Texas ("City") pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation to the City of a tract of land ("annexation area") known as Balcones Village, which includes the Balcones Village subdivision, adjacent territory along Anderson Mill Road, and the Balcones Country Club. The area is generally bounded on the east by the existing Austin city limits along US Highway 183, on the north by Anderson Mill Road, the Spicewood at Balcones Village development to the west, and Northwest Travis County MUD 1 and its out-of-district service area to the south. All areas in the annexation area are located in Travis and Williamson Counties, Texas. The annexation area is described by metes and bounds in Exhibits A-1 and A-2 which are attached to this Plan and to the annexation ordinance of which this Plan is a part. The annexation area is also shown on the map in Exhibits A-1 and A-2.

EFFECTIVE TERM

This Plan shall be in effect for a ten-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council which refers to this Plan and specifically renews this Plan for a stated period of time.

INTENT

It is the intent of the City of Austin that services under this Plan shall provide full municipal services in accordance with State law.

The City reserves the right guaranteed to it by Section 43.056(h) Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable or obsolete or unlawful.

SERVICE COMPONENTS

In General. This Plan includes three service components: (1) the Early Action Program, (2) Additional Services, and (3) a Capital Improvement Program.

As used in this Plan, providing services includes having services provided by any method or means by which the City extends municipal services to any other area of the City. This may include causing or allowing private utilities, governmental entities and other public service organizations to provide such services by contract, in whole or in part. It may also include separate agreements with associations or similar entities.

1. EARLY ACTION PROGRAM

The following services will be provided in the annexation area within 60 days after the effective date of the annexation, unless otherwise noted.

a. **Police Protection.** The Austin Police Department (APD) will provide protection and law enforcement services in the annexation area, commencing on the effective date of annexation. These services include:

- ▶ normal patrols and responses;
- ▶ handling of complaints and incident reports;
- ▶ special units, such as, traffic enforcement, criminal investigations, narcotics, gang suppression, and special weapons and tactics team.

The current City-wide average response time to Priority 1 calls for APD is 9.46 minutes which is better than the current average response time for emergency police services from Travis County. APD anticipates providing service to the annexation area with an average response time of not more than the City-wide average response time.

The area will be included in a district which will receive primary 24 hour a day patrol coverage. APD will provide primary patrol services with regularly scheduled officers. Overtime may be used to fill in for primary patrol officers on leave. Secondary patrols (occurring generally from mid-

Annexation Service Plan
Balcones Village (C7a-97-008)
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morning to early evening) would be provided throughout the City by regularly scheduled officers and overtime officers. Currently, officers who patrol this area will begin and end their shifts at the North Police Substation located at 12425 Lamplight Village Avenue, near Parmer Lane.

The City will be adding up to 71 new police officers. The majority of the new officers will be used to change and add patrol districts throughout the City to serve annexed areas. Coverage will be increased to serve this annexed area.

b. Fire Protection. The Austin Fire Department (AFD) will provide emergency and fire prevention services in the annexation area, commencing on the effective date of the annexation. These services include:

- ▶ fire suppression and rescue;
- ▶ emergency medical services first response for Austin Emergency Medical Services Department on life threatening medical emergencies;
- ▶ hazardous materials mitigation and regulation;
- ▶ emergency prevention and public education efforts;
- ▶ dive rescue;
- ▶ technical rescue;
- ▶ aircraft/rescue/firefighting;
- ▶ construction plan review;
- ▶ inspections;
- ▶ emergency management planning;
- ▶ rescue/hazardous materials unit.

These services are provided, on a City-wide basis, by over 900 employees operating from 33 emergency fire stations and other non-emergency sites. All Austin firefighters are certified by the Texas Fire Commission.

AFD will provide immediate service from the fire station located at Pickfair and Pencewood, if available, with the existing pumper or a new pumper and a minimum of three fire personnel on duty 24 hours a day. If the Pickfair station is unavailable, AFD will provide service from a site on Anderson Mill Road and Nene Drive, and First Responder contracts for fire protection may also be required. The City's use of and access to the Pickfair station is subject to a letter of agreement between the City and the Travis County Emergency Services District No.4 executed November 5, 1997. Fire personnel will be moved from the Pickfair station to a new AFD fire station located at Anderson Mill Road and Nene Drive (10111 Anderson Mill Road) when it has been constructed.

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Balcones Village (C7a-97-008)
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In addition, in 1998 a new Fire/EMS Station 34 will open, located at 10041 Lake Creek Parkway (Maconda Park) with a pumper truck and a minimum of three fire personnel on duty 24 hours a day.

Additional service will be available from AFD Station 25, located at 5228 Duval Road, and Station 33, located at 9409 Bluegrass Drive.

AFD serves as the first responder on life threatening medical emergencies for Austin EMS. All AFD personnel are certified at an Emergency Medical Technician (EMT) level or higher. All pumpers, ladder trucks, and rescue units carry Automatic External Defibrillator for use with heart attack victims.

c. Solid Waste Collection. The Austin Solid Waste Services Department will provide solid waste collection services in the annexation area. Services will be provided by City personnel or by private solid waste service providers under contract with the City. The City will also consider allowing residential solid waste services contracts in effect on November 20, 1997, with neighborhood associations, homeowners associations, and municipal utility districts to continue in effect until the expiration date of the agreement or until 5 years from the effective date of annexation, whichever occurs sooner. Before December 12, 1997, the qualified organizations must request that the City allow those contracts to remain in effect; however, the City reserves the right to require amendments to those agreements and to charge fees to the customers for services not included in those contracts, such as billing, recycling, yard waste disposal, and collection. At the expiration date identified above, the area will be included within the City solid waste services program for all intents and purposes. Residents with individual contracts for residential solid waste services will be provided City service within 60 days of the effective date of annexation.

Services currently provided in the City for single family residences include:

- ▶ garbage collection - once per week cart collection in accordance with City of Austin "pay-as-you-throw" guidelines;
- ▶ recycling collection - once per week curbside recycling collection for residential customers, materials collected include newspaper, "junk mail," tin and aluminum can, glass bottles and jars, plastic bottles (#1 and #2);
- ▶ yard waste collection - once per week residential yard trimmings collection in paper bags or reusable containers;
- ▶ street sweeping service - approximately 6 times per year for streets with curb and gutter;
- ▶ dead animal collection - dead animals are removed from roadways upon request;
- ▶ large and bulky material pickup - notice to customers is provided in advance of the pickup date.

Commercial garbage collection service for businesses and multi-family residences is available on a subscription basis from the City or private service providers.

d. Maintenance of Water and Wastewater Facilities. This area includes the Balcones Village subdivision and other areas receiving or ly City retail water service, and Balcones Greene subdivision currently receiving temporary water and wastewater service from the Anderson Mill Municipal Utility District. Water will continue to be provided through existing facilities located within the area.

The water facilities in Balcones Village will be operated by the City's Water and Wastewater Utility as governed by standard policies and procedures, and under the provisions of the attached City service extension policy. Residents will pay inside City water rates.

Wastewater service for some homes in this area is provided by a private utility, Technology Hydraulics, Inc. (THI). THI has a Certificate of Convenience and Necessity (CCN) for wastewater service in this area. Wastewater service will continue to be provided by THI in accordance with its CCN.

The Balcones Greene subdivision lots are Anderson Mill MUD out-of-district water and wastewater customers. Residents of this subdivision will continue as Anderson Mill MUD out-of-district water and wastewater customers with maintenance by the MUD.

Homes and businesses in this area are served by septic tanks. The City does not maintain private sewage (septic) systems.

e. Maintenance of Roads and Streets, Including Street Lighting. The Street and Bridge Division of the Transportation and Public Works Department will maintain public streets over which the City has jurisdiction. These services include:

- ▶ emergency pavement repair;
- ▶ ice and snow monitoring of major thoroughfares;
- ▶ repair maintenance of public streets on as-needed basis.

Following annexation, public streets will be included in the City's preventive maintenance program. Preventive maintenance projects are prioritized on a City-wide basis and scheduled based on a variety of factors, including surface condition, rideability, age, traffic volume, functional class, and available funding. Any necessary rehabilitation or reconstruction will be considered on a City-wide priority basis.

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Balcones Village (C7a-97-008)
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The Transportation Division of the Transportation and Public Works Department will also provide regulatory signage services in the annexation area. Traffic signal, stop, and all other regulatory studies are conducted in conjunction with growth of traffic volumes. All regulatory signs and signals are installed when warranted following an engineering study. Faded, vandalized, or missing signs are replaced as needed. "CALL BACK" service provided 24 hours a day, 365 days a year for emergency sign repair.

For major arterials and collectors, the repainting of street markings is on a six to twelve month frequency. All improved intersections and roadways are striped upon improvement. All roadways are restriped and remarked as needed.

The City Electric Utility Department will maintain existing public street lights in the annexation area. The City of Austin and the Pedernales Electric Cooperative (PEC) provide electrical service in the area.

f. Maintenance of Parks, Playgrounds, and Swimming Pools. There are no public recreation facilities in the area.

Recreational facilities and area amenities, including parks, pools, and medians, that are privately owned, maintained, or operated will be unaffected by the annexation.

g. Maintenance of Any Other Publicly-Owned Facility, Building, or Service. Should the City acquire any other facilities, buildings, or services necessary for municipal services located within the annexation area, an appropriate City department will provide maintenance services for them.

2. ADDITIONAL SERVICES

Certain services, in addition to the above services, will be provided within the annexation area. They are as follows:

a. Emergency Medical Service. The City of Austin Emergency Medical Services (EMS) Department is the current provider of emergency medical services in the annexation area and will continue to provide service following annexation. AFD also provides emergency first response in the City for the EMS on life threatening medical emergencies.

Upon annexation, 24 hour emergency medical service will be provided from the Pickfair and Pencewood station, if the building is available. If the Pickfair station is unavailable, EMS will operate from a site on Anderson Mill Road at Nene Drive.

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Balcones Village (C7a-97-008)
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In 1998, a joint Fire/EMS station in the US 183 and FM 620 area at 10041 Lake Creek Parkway (Maconda Park) will be completed. At that time, EMS staff at the Pickfair station will be transferred to Maconda Park. By the second year following annexation, the Pickfair station will be reoccupied by EMS staff.

The Pickfair station will remain in use by EMS as a permanent facility unless the AFD site at Nene and Anderson Mill Road, which is a preferred location, can accommodate EMS as the permanent facility for the area.

The City will work with the Spicewood at Bull Creek Homeowners Association (HOA) to seek their input on the various uses and modifications to the Pickfair stations, including input on the City's plans for expansions and modifications relating to fire and EMS service. After AFD leaves the Pickfair stations, the EMS may or may not continue to operate out of the station. If the EMS moves out of the station, the City will work with the HOA to develop a community use of the facility, which may include the Parks and Recreation Department managing and using the facility.

b. Drainage Utility. The Austin Drainage Utility will provide drainage maintenance services in the annexation area. The City will assume maintenance for all public drainage ponds and channels, some of which are not currently maintained. Drainage maintenance in the City of Austin is a fee-based service. Services provided by the Drainage Utility include:

- ▶ detention and water quality pond maintenance (residential only);
- ▶ open waterway maintenance;
- ▶ storm sewer maintenance;
- ▶ watershed development review and inspection;
- ▶ emergency spills and pollution complaints response;
- ▶ storm sewer discharge pollution prevention (commercial only);
- ▶ water quality assessments for creeks;
- ▶ underground hazardous materials storage and leak prevention program;
- ▶ flood plain office (information relating to flood plains);
- ▶ flood early warning system;
- ▶ tree preservation review and inspection;
- ▶ commercial landscape review and inspection (commercial only).

c. Library Department. The residents of the annexation area will receive library services from the Austin Library Department. The nearest library to this annexation area is the Spicewood Springs Branch located at 8637 Spicewood Springs Road.

d. Austin Health and Human Services Department/Travis County Health Department. The Austin Health and Human Services Department/Travis County Health Department currently provides a wide range of services to this annexation area. Upon annexation, the following additional services will be available from the Department:

- ▶ investigation of public health related complaints including water and air pollution, and tall weeds and grass;
- ▶ animal control;
- ▶ access to community health clinics;
- ▶ Medical Assistance Program benefits;
- ▶ rodent control consultation.

e. Electric Utility Department. The Electric Utility Department will provide electric utility service to all areas which the City is authorized to serve by the Public Utility Commission of Texas. Service to this area is currently divided between the City of Austin and Pedernales Electric Cooperative, Inc.

f. Other Services. All other City Departments with jurisdiction in the area will provide services according to City policy and procedure.

In addition to the above, City Council will consider an ordinance waiving street cut fees for street cuts necessary to prohibit the spread of oak wilt disease.

3. CAPITAL IMPROVEMENTS PROGRAM

The City will initiate the construction of capital improvements necessary for providing municipal services for the annexation area as necessary. Any such construction or acquisition shall begin within two years of the effective date of the annexation and shall be substantially completed within 4 ½ years after that date.

Each component of the Capital Improvement Program is subject to the City providing the related service directly. In the event that the related service is provided through a contract service provider, the capital improvement may not be constructed or acquired by the City but may be provided by the contract provider. The City may also lease buildings in lieu of constructing any necessary buildings.

a. Police Protection. No capital improvements are necessary at this time to provide police protection.

- b. **Fire Protection.** The City will construct improvements to the station located at Pickfair Drive and Pencewood Court, if available, or at the site on Anderson Mill Road at Nene Drive, if necessary. The City will construct a new station located at Anderson Mill Road at Nene Drive (10111 Anderson Mill Road). When this station is complete, fire personnel will move from the Pickfair Drive station (or from the station on Anderson Mill Road at Nene Drive, if it is built) into the new station. A joint Fire/EMS station in the US 183 and FM 620 area at 10041 Lake Creek Parkway (Maconda Park) will be completed in 1998.
- c. **Emergency Medical Service.** The joint Fire/EMS station in the US 183 and FM 620 area located at 10041 Lake Creek Parkway (Maconda Park) will be completed in 1998.
- d. **Solid Waste Collection.** No capital improvements are necessary at this time to provide solid waste collection services within the annexation area.
- e. **Water and Wastewater Facilities.** No capital improvements are necessary at this time to provide water service within the annexation area. The Water and Wastewater Utility will begin preliminary engineering leading to construction of wastewater facilities to serve legally subdivided and occupied lots that are using septic tanks, or that are Anderson Mill Municipality Utility District out-of-district customers.

Other water and wastewater services will be provided according to the standard policies and procedures of the Water and Wastewater Utility, which may require the developer of a new subdivision to install water and wastewater lines. The extension of water and sewer service will be provided in accordance with the attached water and wastewater service extension policy and the Utility Criteria Manual, as amended. The Austin Health and Human Services Department/Travis County Health Department ("AHHSD") will use the process identified in Chapter 12-4 of the City Code, as amended, for determining whether to allow the continued use of a septic system before sewer lines are extended to the area. Under limited circumstances identified in the Code, the AHHSD will allow the continued use of an on-site sewage facility for a residence if it is less than 15 years old, the department has full records on the system, and it is in good working order.

The City will coordinate the design and construction of the water, wastewater, and drainage improvements so that construction and restoration occur at one time, unless special conditions indicate separate projects would be beneficial. Restoration of streets will be in conformance with the street repair policies in force at the time the contract is awarded and details for individual areas will be available during design.

When a project manager is hired, the manager will produce a schedule for all stages from preliminary engineering through project completion. The City will contact the individual homeowners

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associations, neighborhood associations, or other designated representative groups for comment at the following stages of the project:

1. during preliminary engineering report preparation;
2. during design of connections from mains to property owner location;
3. during final design;
4. when construction contract bid award is sent for recommendation to Water and Wastewater Commission, and approval to City Council; and
5. when construction begins.

The City will attempt to contact individual property owners as follows:

1. during project design for the property owner to mark their own recommendation for the service connections;
2. at the beginning of construction;
3. when the contractor marks the location of each service; and
4. when the project is accepted by the City so the owner knows when they may apply for the service connection.

The Transportation and Public Works Department will work with homeowners to prepare and award volume contracts in discrete areas, if feasible, in order to provide discount services for the homeowner's sewer connections.

The City Council will consider an ordinance waiving capital recovery and tap fees for up to 10 years from the date of annexation to enable properties to convert from the septic system to City wastewater service that are currently served by an existing septic system.

f. Roads and Streets. No road or street related capital improvements are necessary at this time. In general, the City will acquire control of all public roads and jurisdiction in, over and under all public roads and public streets within the annexation area upon annexation. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices, will be governed by the City's standard policies and procedures.

g. Street Lighting. The City will install public street lighting in the annexation area upon request, with priority given to street lighting for traffic safety. Provision of street lighting will be in accordance with the City's street lighting policies, and those of the providing utility.

h. Parks, Playgrounds and Swimming Pools. No capital improvements are necessary at this time to provide services.

- i. Drainage Utility. Capital improvements projects relating to drainage may be necessary in this annexation area. Following annexation, the Drainage Utility will begin studies to determine if projects are needed in the area. Construction of projects will be prioritized based on the extent and probability of flooding of structures and roads.
- j. Other Publicly Owned Facilities, Building or Services: Additional Services. In general, other City functions and services, and the additional services described above can be provided for the annexation area by using existing capital improvements. Additional capital improvements are not necessary to provide City services.
- k. Capital Improvements Planning. The annexation area will be included with other territory in connection with planning for new or expanded facilities, functions, and services. The City intends to plan for and ultimately construct other fire stations near this area that may provide additional service to the annexed area, including a station in the vicinity of Spicewood Springs Road and Four Iron Drive. This is an infill station which will enhance service in the area, and the City will use its best efforts to commence this project as soon as possible. However, these improvements are not necessary for service to the annexation area and will not necessarily be completed in the 4 and 1/2 year time frame.

AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes. This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

FORCE MAJEURE

In case of an emergency, such as force majeure as that term is defined in this Plan, in which the City is forced to temporarily divert its personnel and resources away from the annexation area for humanitarian purposes or protection of the general public, the City obligates itself to take all reasonable measures to restore services to the annexation area of the level described in this Plan as soon as possible. Force Majeure shall include, but not be limited to, acts of God, acts of the public enemy, war, blockages, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires,

storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute Force Majeure for purposes of this Plan.

**SUMMARY OF THE WATER AND WASTEWATER UTILITY
SERVICE EXTENSION POLICY (1997)**

The following information is a summary of the Water and Wastewater Utility Service Extension Policy, Chapters 13-1 through 13-3 of the 1992 Austin City Code, in conformance with the Texas Local Government Code requirement that the Plan have a summary of the service extension policy.

Generally, water and wastewater service is only provided to lots that have been properly subdivided and platted or are a legal lot. For property that is required by subdivision regulations to construct water or wastewater facilities connecting to the City system, funding and construction of those facilities will remain the responsibility of the developer. If the specific undeveloped property does not have City water or wastewater service fronting the property, the owner may make an application for an extension of service to the Director of the Water and Wastewater Utility for review. If the Director determines that adequate capacity is available, or will be, and if the project does not include City cost participation or reimbursement, and if the proposed facilities are a logical extension of the City's Water and Wastewater System and the requested extension otherwise meets the requirements of Chapter 13-3, the extension size, capacity, and routing may be approved by the Director for funding and construction by the developer.

Depending on the size of the new facilities and other conditions, with City Council approval, the City may reimburse the developer for part of the cost of constructing certain facilities. With City Council approval, the City may cost participate by reimbursing costs associated with the oversize capacity of wastewater mains larger than 8 inches in diameter but less than 18 inches, and of water mains greater than 12 inches but less than 24 inches in diameter. With City Council approval, the City may reimburse to the developer the construction cost of the full capacity of wastewater facilities 18 inches in diameter or larger, and water facilities 24 inches in diameter or larger, as well as other facilities such as reservoirs or pumps. The actual calculation of the cost participation and reimbursement amounts, including limits and the schedules for the payments, are included in the Land Development Code.

For lots that have water or wastewater lines in the street fronting the lot, the owner may receive water or wastewater service by applying for a tap permit and paying any required fees. The new customers will be required to pay the impact fees and all connection fees. However, if the tap is purchased within two years of the completion of the line by the City, the impact fee will be waived.

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As long as a property is using a septic system, the property owner remains responsible for the operation and maintenance of the septic system. If the septic system fails before the City sewer service is extended to the property, the property owner must repair the system. Under certain circumstances the Austin Health and Human Services Department/Travis County Health Department may require connection to the City sewer facilities.

This policy is set by the City Council and can be amended in the future by ordinance.